

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL SCOTT,)	
)	
Plaintiff,)	
)	
v.)	2:21cv1805
)	Electronic Filing
WESLEY BIRICOCHI, Narcotics Agent,)	
CHAIRMAN SEAN KERTES, Chairman)	
For Westmoreland County Commissioner's)	
Office, WESTMORELAND COUNTY)	
PRISON, and WEXFORD HEALTH)	
SOURCES, INC.,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 1st day of February, 2023, upon due consideration of defendant Wexford Health Sources' ("defendant") motion to dismiss and the Report and Recommendation of the Magistrate Judge addressing the same, and after *de novo* review of the record, IT IS ORDERED that [29] defendant's motion be, and the same hereby is, granted in part and denied in part. Plaintiff's claims for declaratory and injunctive relief are dismissed with prejudice. Plaintiff's claims for deliberate indifference to medical and mental health needs, Monell liability and punitive damages are dismissed without prejudice; in this regard Plaintiff may file an Amended Complaint seeking to cure the deficiencies as to these claims in accordance with Magistrate Judge's directives and date for doing so. In all other aspects the motion is denied. The Report and Recommendation of October 19, 2022, is adopted as the opinion of the court; and

IT FURTHER IS ORDERED that in the event plaintiff intends to address the deficiencies highlighted in the Report and Recommendation, plaintiff shall file his amended complaint on or before March 3, 2023. Any amended complaint shall fully allege every claim plaintiff intends to

pursue against each specific party for which plaintiff seeks to establish liability as to the claim and be a pleading that stands without reference to or incorporation of the original complaint.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: The Honorable Maureen P. Kelly,
United States Magistrate Judge

Scott Avolio, Esquire
Christopher J. Wetzel, Esquire
Jeffrey J. Wetzel, Esquire

(Via CM/ECF Electronic Mail)

Michael Scott
1114-2021
Westmoreland County Prison
3000 S. Grande Blvd.
Greensburg, PA 15601

(Sent Via First Class Mail)